

Anno Regni
GEORGII II.
R E G I S

Magnæ Britanniae, Franciæ, & Hiberniæ,
VICESIMO SEXTO.

At the Parliament begun and holden at
Westminster, the Tenth Day of *November*,
Anno Dom. 1747, in the Twenty first Year
of the Reign of our Sovereign Lord
GEORGE the Second, by the Grace
of God, of *Great Britain, France, and*
Ireland, King, Defender of the Faith, &c.

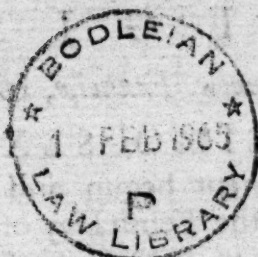
And from thence continued by several Proroga-
tions to the Eleventh Day of *January*, 1753,
being the Sixth Session of this present Parlia-
ment.



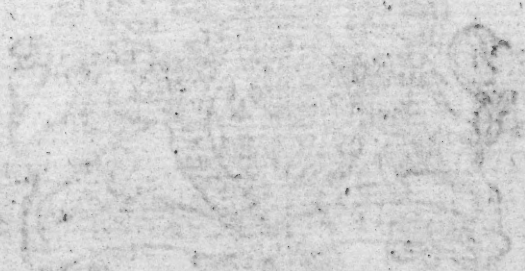
L O N D O N:

Printed by *Thomas Baskett*, Printer to the King's
most Excellent Majesty; and by the Assigns of
Robert Baskett. 1753.

GEORGE II



GEORGE II



GEORGE II

Printed by...

Anno vicesimo sexto

GEORGE II. Regis.

*An Act for repairing and
widening the Road from
the West End of Seend
Street, in the County of
Wilts, to the Horse and
Jockey, in the Parish of
Box, in the said County.*

Whereas the Road leading Preamble
from the West End of
Seend Street (through
Melksham and Atworth) to a Place
called or known by the Name of
the Horse and Jockey, in the Pa-
rish of Box, in the County of Wilts,
is, in many Places, from the Na-
ture of the Soil, and by reason of
many heavy Carriages passing there-

on, become deep and ruinous, and in other Parts, frequently overflowed by the River *Avon*; and, for want of sufficient Drains and Bridges, is often, and especially in the Winter Season, rendered impassable for Horses and Carriages, without great Danger and Loss of the Lives of several of His Majesty's Subjects, as well as Disappointment, Prejudice, and Damage, to the Woollen Manufacturers, and other Traders; and the said Road cannot be effectually amended, widened, and kept in sufficient Repair, without the Aid and Authority of Parliament; **May** it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Right Honourable *Edward Seymour* Esquire, commonly called Lord

Trustees
Names.

Georgii II. Regis.

Lord *Seymour*; the Right Honourable *Webb Seymour* Esquire, commonly called Lord *Webb Seymour*; the Right Honourable *William Seymour* Esquire, commonly called Lord *William Seymour*; the Right Honourable and Reverend *Francis Seymour*, commonly called Lord *Francis Seymour*; the Right Honourable *Harry Powlett* Esquire, commonly called Lord *Harry Powlett*; the Right Honourable *Thomas Hay* Esquire, commonly called Lord *Dupplin*; the Honourable *Charles Powlett* Esquire, the Honourable *Harry Powlett* Esquire, the Honourable *William Bourverie* Esquire, Sir *Robert Long* Baronet, *Jeremiah Awdry*, *Townsend Andrews*, *Ambrose Awdry* senior, *Ambrose Awdry* junior, *Edward Bayntun*, *Thomas Beach*, *William Beach*, *William Buckler*, *Peter Bathurst*, *Thomas Bennett*, *John Bythsea*, *James Burton*, *Thomas Cooper*, *John Cooper*, *Henry Coulthurst*, *Peter Delme*, *John Delme*, *Exekiel Dickenson*, *Vicaris Dickenson*, *Lionel Duckett*,

Thomas Duckett, Edward Eyles,
James Frampton, George Flower,
John Garth, Ambrose Goddard,
Thomas Goddard, Edward God-
dard, William Godolphin, Edward
Greenfield, William Gaisford, Ed-
ward Goddard of Hartham, Rogers
Holland, John Harding, William
Hunt, George Hungerford, William
Jones, John Jacob, Thomas King-
ton, Thomas Long, Walter Long,
Richard Long, Richard Long ju-
nior, William Long, William Long
of Bayntun, Lewis Long, Paul
Methuen, James Montagu, Ed-
ward Montagu, Edward Morti-
mer, John Montagu, William
Northey, Robert Neale, William
Norris, Edward Popham, William
Phipps, Thomas Phipps, Thomas
Polden, John Powell, Thomas
Phipps of Haywood, Benjamin
Rogers, Lucas Selfe, John Smith,
Jacob Selfe, Michael Smith of
Alton, Prince Sutton, Robert
Smith, John Ivory Talbot, John
Talbot, Chauncey Townsend, John
Turner, Richard Tuck, George
Willy,

Willy, William Willy, Henry Wyndham, John Wadman, Henry Walters, Benjamin Webb junior, Esquires; the Reverend Thomas Talbot, Thomas Andrews, Henry Brookes, Benjamin Buckler, Burnett, Henry Kent, Philip Pyle, John Rolt, Richard Goddard, Ramsden Dodsworth, Robert Foulkes, Sparrow, Richard Wainhouse, Drewitt, John Mayo, Gilbert Lake, Francis Welman, John Morris, Clerks; John Davis M. D. John Mereweather M. D. Thomas Beaven, Thomas Beaven junior, Lewis Brabant, Henry Franklyn, Ralph Good, John Goulding, Henry Harding, Francis Hales, Wadham Locke, Joseph Laughan junior, Paul Newman, Dennis Newman, Paul Newman junior, John Newman, William Neate, William Periam, John Richards, Samuel Rutty, Jonathan Rutty, Henry Smith, Samuel Sanger, Philip Smith, Charles Simpkins, Robert Sloper, John Powell, Stephen Powell,

Powell, Nathaniel Houlton, Stephen Phelps, William Stileman, Thomas Matthews, John Taylor, John Bull, Daniel Burchall, Daniel Bull, William Mountjoy, Walter Wastfield, Edward Mitchell, Samuel Crew, Anthony Guy, John Hancock, Thomas Mitchell, Robert Sloper junior, James Burrough, Thomas Adlam, Thomas Adlam junior, Henry Slade, Samuel Martyn, Thomas Higgins senior, George Stucley, John Trevanion, Edward Potbill Esquire, Edward Poore of Sarum Esquire, and all the Justices of the Peace for the County of Wilts; shall be, and they are hereby nominated and appointed Trustees for surveying, ordering, amending, widening, and keeping in Repair, the said Road; and that they, and the Survivors of them, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall authorize and appoint, shall and may build and erect, or cause to be built and erected,

erected, a Gate or Gates, Turnpike or Turnpikes, in, upon, cross, or on the Side of any Part or Parts of the said Road, except as herein after excepted, and also a Toll-house or Toll-houses in or upon the same; and shall demand and take the Tolls following, before any Horse, Mare, Gelding, Mule, Ass, Cattle, Coach, Landau, Chariot, Berlin, Chaise, Hearse, Caravan, Calash, Chair, Waggon, Wain, Cart, or other Carriage whatsoever, shall be permitted to pass through the same; that is to say,

Trustees
to erect
Turn-
pikes and
Toll-
houses;
and take
the fol-
lowing
Tolls
thereat.

For every Coach, Berlin, Landau, Chariot, Calash, Chaise, Hearse, Caravan, or Litter, drawn by Four or more Horses, Mares, Geldings, or Mules, One Shilling; and drawn by Two Horses, Mares, Geldings, or Mules, Six Pence.

The
Tolls.

For every Calash, Chaise, or Chair, drawn by One Horse, Mare, Gelding, or Mule, Three Pence.

For every Horse, Mare, Geld-
ing,

ing, Ox, or other Cattle, drawing in every Waggon, Wain, Cart, or other Carriage, the Sum of Three Pence.

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, not drawing, One Penny.

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Ten Pence *per* Score; and so in Proportion for any greater or less Number.

And for every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Five Pence *per* Score; and so in Proportion for any greater or less Number.

Tolls
vested in
the Tru-
stees.

Which said respective Sum and Sums of Money shall be demanded and taken in the Name of, or as a Toll; and the Money so to be raised and collected shall be, and is hereby vested in the several Trustees; and the same, and every Part thereof, shall be paid, applied, and disposed of, and assigned, to and for the several Uses, Intents, and

and Purposes, and in such Manner as is herein after mentioned and directed.

Provided always, That no Turnpike or Toll-gate shall be erected upon the said Roads between the Road leading to *Simington*, or *Seventon*, and a House called *Prater's*, or *Shernel's*, except Two Side Gates; the One at the Lane leading to *Melksham Forrest*, and the other to *Broughton Giffard*.

No Turnpike to be erected in the Roads between the Road leading to *Simington* and *Prater's*, or *Shernel's* House, except Two Side-gates.

And it is hereby further enacted, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, or any such Person or Persons as they, or any Five or more of them, under their Hands and Seals, shall, from time to time, nominate and appoint, to demand and take the Tolls and Money hereby granted and made payable, to levy the same upon any Person or Persons who shall (after Demand thereof made) neglect or refuse to pay such Tolls as aforesaid,

Trustees may appoint Persons to receive and levy the Tolls.

Distress
to be sold
after Five
Days.

said, by Distress of any Horse or Horses, or other Cattle or Goods upon which such Tolls are by this Act imposed; or by Distress of any other of the Goods and Chattles of such Person or Persons who ought to pay the same; and to detain and keep the same until such Tolls, with the reasonable Charges of such detaining and keeping, shall be paid: And it shall and may be lawful to and for such Person and Persons so distraining, after the Space of Five Days after such Distress made and taken (such Toll, with the reasonable Charges of such detaining and keeping, not being then paid) to sell the Goods so distrained and detained, returning the Overplus (if any there be) upon Demand, to the Owner thereof, after such Tolls and reasonable Charges of distraining and keeping the same shall be first deducted and paid.

Provided always, and be it further enacted by the Authority aforesaid, That no Person shall be qualified

qualified or capable of acting as a Trustee in any Case in the Execution of this Act, unless he shall be in his own Right, or the Right of his Wife, in the actual Possession and Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes, or possessed of and intitled to personal Estate alone, or real and personal Estate together, to the Amount or Value of Two thousand Pounds; and unless the Persons claiming to have One hundred Pounds a Year, or Two thousand Pounds personal Estate alone, or real and personal Estate together, as aforesaid, shall take and subscribe the Oath following (or being One of the People called *Quakers*, an Affirmation to the Purport of the said Oath) before any Five or more of the said Trustees, who are hereby authorized and required to administer the same, before he takes upon himself to

to act in the said Trusts and Authorities of this Act: Which said Oath shall be in the Words, or to the Effect following; that is to say,

Oath to
be taken
by the
Trustees.

I A. B. do swear (or being one of the People called Quakers, do solemnly affirm) that I truly, and bonafide, am in my own Right, or the Right of my Wife, in the actual Possession and Enjoyment, or Receipt of Rents and Profits of Lands, Tenements, or Hereditaments, of the yearly Value of One hundred Pounds above Reprizes; or possessed of or intitled to personal Estate alone, or real and personal Estate together, to the Amount or Value of Two thousand Pounds, over and above what will pay my Debts.

So help me GOD.

Penalty
on Per-
sons act-
ing, if not
qualified.

And if any Person or Persons who shall be deemed unqualified, or made incapable to act for the Causes aforesaid, shall nevertheless presume

to

to act contrary to the true Intent and Meaning of this Act, every such Person and Persons shall, for every such Offence or Offences, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall inform and sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, Bill, Suit, or Information; wherein no Essoin, Protection, or Wager of Law, or more than one Imparlance shall be allowed; provided nevertheless, that nothing in this Act shall extend, or be construed to extend, to disqualify the Son and Heir Apparent of any Lord of Parliament, or of any Person having an Estate of Three hundred Pounds *per Annum*.

Heirs Apparent of Lords of Parliament, or Estates of 300 l. per Annum, excepted.

And it is hereby further enacted, declared, and provided, That, during the Continuance of this Act, all Coaches, Berlins, Landaus, Chariots, Chaises, Calashes, Chairs, or Litters, and Passengers

No Toll on Election Days.

on

on Horseback, going to or returning from the Election of a Knight or Knights of the Shire to serve in Parliament for the said County of *Wilts*, shall, on the Day appointed for such Elections, and also on the Day before and the Day after such respective Elections, pass and repass Toll-free through the said Turnpikes and Toll-gates, or any of them, erected or set up by virtue of this Act; any thing herein contained to the contrary notwithstanding.

Applica-
tion of
the Tolls.

And be it further enacted by the Authority aforesaid, That out of the first Money arising by the Tolls which shall be collected at the several Turnpikes so to be erected on the Roads aforesaid, or out of such Money which shall be borrowed on the Credit thereof, the Trustees for repairing the said Road hereby directed to be amended, or any Five or more of them, shall in the First Place pay and discharge all the Expences and Charges of procuring

ing and passing this Act of Parliament, and of putting up and erecting such Turnpikes and Toll-houses as they shall think proper on the said Road: And that from and after paying the said Expences and Charges, then, and from thenceforth, the Money arising by the Tolls which shall be collected at any Turnpike or Turnpikes which shall be then or hereafter erected or set up on the said Road, shall be laid out and applied for and towards the repairing of the said Road, and other necessary Charges attending such Repairs, and for such other Purposes as are herein after-mentioned.

And be it further enacted by the Authority aforesaid, That if any Person or Persons whatsoever owning, renting, or occupying any Lands, Grounds, or Tenements, near to any Turnpike which shall be erected in pursuance of this Act, shall knowingly or wittingly permit or suffer any Person or Persons

Penalty
of 20s.
on Persons per-
mitting
or going
through,
private
Passage,
&c.

to pass through any Gate, Passage, or Way, with any Coach, Chaise, Chariot, Landau, Berlin, Calash, Waggon, Wain, Cart, or other Carriage, Horse, Ass, Mule, or any Sort of Cattle, whereby the Payment of the Tolls, by this Act laid, shall be avoided or lessened, every such Person so offending, and also the Person thereby avoiding the Payment of the said Tolls, and being thereof convicted upon Oath or Affirmation before the said Trustees, or any Five or more of them (who are hereby impowered to administer such Oath) or before any One or more Justice or Justices of the Peace for the said County of *Wilts* (which Oath the said Justice or Justices is and are hereby impowered to administer) shall, for every such Offence, respectively forfeit and pay to the Trustees authorized to put this Act in Execution, or to their Treasurer or Treasurers for the time being, the Sum of Twenty Shillings; which Sum,
in

in case the same be not forthwith paid, shall be levied by Distress and Sale of the Offender's Goods, by Warrant under the Hand and Seal, or Hands and Seals, of the said Trustees, or any Five or more of them, or of such Justice or Justices; rendering the Overplus to the Owner (if any be) on Demand, after deducting the reasonable Charges of making such Distress and Sale, to be settled by the said Trustees, or any Five or more of them, or by the said Justice or Justices.

to be levied by Distress and Sale.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall at any Time during the Continuance of this Act, unload or cause to be unladen any Sort of Goods or Merchandizes, or take off, or cause to be taken off any Horse or Horses from any Coach, Chariot, Berlin, Landau, Chaise, Calash, Chair, Hearse, or Litter, or any Horse or Horses, Ox or Oxen, or other

Penalty of 20s. on Persons unloading Goods or taking off Horses, &c. to avoid Payment of the Tolls.

Cattle, from any Waggon, Wain, Cart, or other Carriage, at or before the same shall come to any of the Gates or Turnpikes erected or to be erected by virtue of this Act, with an Intent to avoid paying or lessening any of the Tolls hereby imposed, or shall conceal or secrete any Goods or other Things chargeable with any of the Tolls aforesaid, or shall put or leave in any House or Place any Coach, Chariot, Berlin, Landau, Chaise, Calash, Chair, Waggon, Wain, Cart, or any other Carriage, Horse, Gelding, Mare, or any other Cattle, chargeable with or liable to pay the said Tolls, with such Intent as aforesaid, each and every Person so offending in any of the Cases aforesaid, shall forfeit and pay to the Trustees appointed or to be appointed to put this Act in Execution, or to their Treasurer for the time being, the Sum of Twenty Shillings; which shall be recovered, levied, and applied as any other

7

Penalties

Penalties or Forfeitures are to be recovered, levied, and applied by virtue of this Act.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, to erect or cause to be erected One or more Gate or Gates, Turnpike or Turnpikes, Toll-house or Toll-houses, on the Side or Sides of the said Road, and cross any Lane or Way leading out of the same, except as herein after excepted; and there to take and receive such Tolls as are by this Act granted and made payable; so as the same do not extend to a double Charge in case of passing through any other of the Turnpikes which shall be erected by virtue of this Act.

Trustees
may erect
Side-
gates,

and take
the Tolls
thereat;
so as not
to extend
to a dou-
ble
Charge.

No Gate
to be e-
rected be-
tween the
Chaple of
Plaistow
and South
Wrax-
hall, on
the Road
within
the Cha-
pelry of
Secnd.

Provided always, That no Side-gate shall be erected between a Place called *Chaple of Plaistow* and *South Wraxhall*; nor any Gate in or upon any Part of the said Road, directed and appointed by

this Act to be repaired, which lieth within the Chapelry of *Seend*.

Trustees
may ap-
point and
remove
Officers.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, present at their First or any succeeding Meeting, by any Writing under their Hands and Seals, shall and may choose and appoint One or more fit Person or Persons to be Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, of the Tolls aforesaid; and also One or more fit Person or Persons to be Surveyor or Surveyors to view the Condition of the said Road, and to see that the same is repaired; and also that the Money by this Act raised be duly applied; and from time to time to remove such Clerks, Treasurers, Collectors, Receivers, and Surveyors, or any of them, as they shall see Occasion, and appoint new ones, in case of Death, or such Removal; and such Person or Persons

Persons as is or are hereby made liable to pay the said Tolls, shall pay the same, after the Rates aforesaid, to such Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, as shall from time to time be appointed for that Purpose; and the Person or Persons so appointed to collect and receive the said Tolls, and also such Surveyor and Surveyors so appointed as aforesaid, shall, upon Oath, or, being of the People called *Quakers*, upon their solemn Affirmation, if thereunto required by the said Trustees, or any Five or more of them, or before One or more Justice or Justices of the Peace residing near the said Road (which Oath or Affirmation the said Trustees, or any Five or more of them, or such Justice or Justices, is and are hereby impowered and required to administer) and also shall, on the First *Wednesday* in every Month, or oftener, if required, during the Continuance of

Collectors and Surveyors to account upon Oath, &c.

this

Applica-
tion of the
Money.

this Act, give a true, exact, and perfect Account in Writing, under their respective Hands, of all Monies which he and they, and every or any of them, shall to such Time have received, paid, and disbursed, by virtue of this Act, or by reason of their respective Offices; for which Oath no Fee or Reward shall be taken; and the same may be taken in Writing, without any Stamp thereupon: And in case any Money so received shall remain in their or any of their Hands, the same shall be paid to the said Trustees, or any Five or more of them, or to such Person or Persons as they, or any Five or more of them, shall, by any Writing or Writings under their Hands, authorize and impower to receive the same; and shall be disbursed and laid out in amending the said Road, according to the true Intent and Meaning of this Act, and not otherwise; and the said Trustees, or any Five or more of them, shall and may,

nd may, out of the Money arising by
ler the said Tolls, make such Allow- Trustees
o- ance to the Clerk or Clerks, Trea- to allow
ry surer or Treasurers, Receiver or Salaries to
ne Receivers, Collector or Collectors, their Of-
ed, and the Surveyor and Surveyors, ficers.
on and other Officers, by the said
or Trustees, or any Five or more of
rd them, so appointed as aforesaid;
ay for and in Consideration of his and
ny their Care and Pains respectively
se taken in the Execution of his and
e- their respective Office or Offices,
ds, and to such other Person or Per-
id sons as have been or shall be assist-
of ing in and about procuring the
ns said Road to be amended, widened,
of and repaired, by advancing or lay-
or ing out any Money, or otherwise
u- relating thereunto, as to the said
he Trustees, or any Five or more of
nd them, shall seem good: And in Officers
d, case the said Receiver or Receivers, not mak-
nd Collector or Collectors, of the ing Ac-
er- aforesaid Tolls, so to be paid as count and
ny aforesaid, or any of them, shall Payment,
nd not give and make such Account
y, and

Justices
to enquire
into the
Default,

and on
Convic-
tion to
commit
the Of-
fenders,

till Pay-
ment or
Compo-
sition be
made.

and Payment, as the said Trustees, or any Five or more of them, shall order and direct; that then any Two or more Justices of the Peace of the said County of *Wilts*, at any Special Sessions or Monthly Meeting of them to be holden for the said County, shall make Inquiry of or concerning such Default, as well by Confession of the Parties themselves, as by the Testimony of One or more credible Witness or Witnesses, upon Oath (which Oath the said Justices are hereby im- powered and required to admini- ster without Fee or Reward) And if any Person or Persons shall be thereof convicted by such Justices, the said Justices shall, upon such Conviction, commit the Party or Parties to the Common Gaol of the County of *Wilts*, there to re- main without Bail or Mainprize, until he, she, or they, shall have made a true and perfect Account and Payment, as aforesaid, or shall have compounded and agreed with such

such Trustees, and paid such Composition to the said Treasurer or Treasurers for the time being; which Composition the said Trustees respectively, or any Five or more of them, at any Meeting assembled, are hereby authorized and impowered to make.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, are hereby required to take such Security from the Treasurer or Treasurers to be appointed for the Purposes of this Act for the due Execution of his said Office, as to the said Trustees, or any Five or more of them, shall seem meet.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Persons as he or they shall appoint, to dig, gather, take, and carry away, any Gravel, Furze, Heath, Sand, Stones, or other Materials,

Treasurer
to give
Security.

Power
given to
Survey-
ors to dig
Gravel,
&c. in
Waste
Grounds,
&c.
without
paying
for the
same.

Materials, out of any River, or Brook, or out of or from the Waste or Common of, or in any Parish, Town, Tything, Village, or Hamlet, in the said County, proper and convenient for repairing and amending of the Road aforesaid, without paying any thing for the same; such Surveyor or Surveyors levelling, or causing to be levelled, all such Holes and Pits where any such Materials, as aforesaid, shall be digged, gathered, or taken, and from whence the same shall be carried away: And where there is not sufficient of such Materials in any such Rivers, Brooks, Commons, or Waste Grounds, as aforesaid, it shall and may be lawful to and for such Surveyor or Surveyors, by Order of the said Trustees, or any Five or more of them, to dig and gather such Materials in, and carry the same out of, and through the several Grounds of any Person or Persons (not being the Ground whereon any Houses stand,

levelling
the Pits,
&c.

and for
want of
sufficient
Materials
there,
they may
be taken
from pri-
vate
Grounds,

stand, or a Garden, Orchard, Yard, or Park, planted Walk or Walks, or Avenue to an House, or any Piece or Parcel of Ground set apart or used as a Plantation or Nursery for Trees) where such Materials are or may be found; and from time to time to carry away the same, or so much thereof as the said Surveyor or Surveyors shall judge necessary for repairing and amending the Road aforesaid; paying such Rates for such Materials, and for the Damage done to the Owners and Occupiers respectively of the Grounds where and from whence the same shall be digged, gathered, or carried away, or over which the same shall be carried, as the said Trustees appointed or to be appointed for repairing the said Road, or any Five or more of them, shall adjudge reasonable: And in case of any Difference concerning the same between such Owners or Occupiers and the said Trustees, touching such Damages as aforesaid, the Justices

paying for
the Da-
mage
done to
the Own-
ers of the
Grounds.

Justices
to deter-
mine Dif-
ferences.

Justices of the Peace at their next General Quarter Sessions to be holden in and for the said County of *Wilts*, or the major Part of them present, shall and may adjudge, assess, and finally determine the same.

No Ma-
terials to
be taken
from the
Lands of
Seend,
without
Consent
of the
Owners,

Provided nevertheless, That nothing herein contained shall extend, or be construed to extend, to authorize the said Trustees, or any of them, or any other Person or Persons whatsoever, to enter into or upon any Lands in *Seend*, *Seend Row*, or in the Chapelry of *Seend* aforesaid (not being Commons or Waste Grounds) or to collect, gather, pick up, dig, or quar Stones in or upon any such Lands, without the Consent of the Owner or Owners of such Lands; unless the Owner or Owners of such respective Lands shall refuse to sell to the said Trustees, or any other Person or Persons legally authorized to put this Act in Execution, hard Stones ready dug, at or after the Rate of Three Shillings by the Waggon

unless
they re-
fuse to
sell Stones
ready
dug.

Waggon Load; any thing herein contained to the contrary notwithstanding.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Surveyor or Surveyors, and such Person or Persons as he or they shall appoint (by the Direction of the said Trustees, or any Five or more of them, under their Hands) from time to time, to remove and prevent all Annoyances on or in any Part of the Road aforesaid, by Filth, Dung, Ashes, Rubbish, or otherwise; and to turn any Water-courses, Sinks, or Drains, running into, along, or out of, the said Roads, to the Prejudice thereof; and to cleanse, open, scour, drain, deepen, or enlarge, any Ditch or Water-course adjoining to the said Road; and to cut down, lop or top any Trees or Bushes (Timber-trees excepted) growing on the said Road, or in the Hedges or Banks adjacent thereto; and to take and carry away the same, the Owners or Occu-
Surveyors may remove Annoyances;
 and turn and cleanse Water-courses, &c. and scour Ditches,
 cut down and lop Trees,

piers

the Owners of the Premises refusing to do the same ;

Surveyors to be reimbursed the Charges thereof.

Penalty of a second Offence.

piers of the Premises where such Annoyances, as aforesaid, shall happen to be, neglecting to remove and to cut down such Trees, except as before excepted, or Bushes, or to remove such other Annoyances, for the Space of Ten Days next after Notice in Writing given for that Purpose, under the Hands of the said Trustees, or any Five or more of them; the Charges whereof shall be reimbursed to the said Surveyor or Surveyors by such Owners or Occupiers neglecting to cut down such Trees or Bushes, or to remove such other Annoyances, as aforesaid; and if after Removal of the said Annoyances, any Person or Persons shall again offend in the like kind, every such Person or Persons so offending, and being thereof convicted upon Oath, before any One or more Justice or Justices of the Peace for the said County of *Wilts*, shall, for every such Offence, forfeit and pay unto the said Trustees, or their Treasurer, for the time

time being, the Sum of Twenty Shillings, to be levied in Manner herein after-mentioned.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person or Persons as they shall appoint, by Order of the said Trustees, or any Five or more of them, to make, or cause to be made, Causeways, and to cut and make Drains through any Grounds lying contiguous to the the said Road, and to make and erect Arches or Bridges of Brick, Timber, or Stone, upon the said Road; and also to widen any of the narrow Parts of the said Road, by opening, clearing, and laying into the same any Grounds of any Person or Persons lying contiguous thereto (not being the Ground whereon any House or Houses stand, or Garden, Orchard, Park, or Paddock, inclosed for keeping of Deer, planted Walk, or Avenue to any House already planted, or Nursery

Surveyors may make Causeways, cut Drains, &c.

and widen the narrow Parts of the Road

making
Satisfac-
tion to
the Own-
ers of the
Grounds.

fery for Trees) and also to cause
Ditches or Trenches to be made,
in such Manner as such Surveyor
or Surveyors, by Order of the said
Trustees, or any Five or more of
them, shall judge necessary for the
better amending and keeping the
Road aforesaid in good Repair;
making such reasonable Satisfaction
to the Owners and Occupiers of
such Ground respectively as shall
be so laid in or unto the said
Road, or through which any such
Drain or Ditch shall be cut, or on
which any such Arch or Arches,
Bridge or Bridges, shall be made,
for the Damages which such Owners
or Occupiers respectively shall or
may thereby sustain, as shall be ad-
judged by the said Trustees, or any
Five or more of them: And in case
any Difference shall happen between
such Owners or Occupiers, and
the said Trustees, touching such
Damages, that then it shall and
may be lawful to and for the Ju-
stices of the Peace, at their next
General Quarter Sessions, to be
holden

holden for the said County of *Wilts*, Justices to determine Differences.
 or the major Part of such Justices
 then present, to hear, settle, ad-
 judge, and finally determine the
 same; and if any Owner or Owners, Persons neglecting to cleanse their Watercourses after 10 Days Notice,
 Occupier or Occupiers, of any Watercourse or Watercourses, Ditch or
 Ditches, adjoining to the said Road, shall neglect or refuse to cleanse and
 scour such Watercourse or Water-
 courses, or to make such Ditch or
 Ditches so deep, and in such Man-
 ner, as the said Trustees, or any
 Five or more of them, shall, from
 time to time, judge proper and
 convenient, after Ten Days Notice
 shall be given for that Purpose, by
 the Surveyor or Surveyors, or Surveyors may set Men to cleanse them, and levy the Expence by Distress and Sale.
 such Person or Persons as he or
 they shall appoint, to such Owner or
 Owners, Occupier or Occupiers,
 it shall and may be lawful to and
 for such Surveyor or Surveyors,
 to set any Man or Men at work,
 to scour and cleanse the same; and
 by Warrant from any Three or
 more of the said Trustees, to levy
 the Charges thereof upon the Goods

or Estates of the Owner or Owners, Occupier or Occupiers, of such Watercourse or Watercourses, Ditch or Ditches, by Distress and Sale of his, her, or their Goods and Chattles, rendering the Overplus, if any be, after all Charges of such levying, keeping, and selling, thereout deducted, to the said Owner or Owners, Occupier or Occupiers, when by him, her, or them demanded.

Tolls
may be
assigned
over for
Money
borrow-
ed.

And forasmuch as the Money to be collected by Receipts of the Tolls by this Act made payable, as aforesaid, will not for some Time be sufficient for the effectual repairing of the said Road; be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall and may, and are hereby empowered, from time to time, by any Writing under their Hands and Seals, to assign over the said Tolls, arising by virtue of this Act, or any Part thereof (the Costs and Charges of assigning the same to be

borne and paid out of such Tolls) for any Time or Term during the Continuance of this Act, as a Security for the Payment of such principal Sum or Sums of Money as shall be borrowed by the said Trustees for that Purpose, unto the Person or Persons respectively, who shall advance and lend the same, together with lawful Interest, or lets, as shall be agreed upon; which said Money so to be borrowed, shall be applied, and disposed of, as the said Tolls by this Act are directed to be applied, and disposed of, and to no other Use or Purpose whatsoever.

Applica-
tion
of the
Money
borrow-
ed.

Provided always, and it is hereby declared, That no Money shall be borrowed on the Credit of this Act by the said Trustees, at their First or any subsequent Meeting, unless Notice in Writing, under the Hand of the Clerk to the said Trustees be, by Order of the said Trustees, or any Seven or more of them, for that Purpose,

Notice to
be given
of bor-
rowing
Money.

fixed upon the Turnpike-gate to be erected by virtue of this Act, at least Fourteen Days before the borrowing fuch Money.

Entries
to be
made of
all Af-
sign-
ments.

And be it further enacted by the Authority aforefaid, That Copies of all and every the Affignment or Affignments, fo to be made by the faid Trustees, as aforefaid, fhall be entered at Length in a Book or Books, to be kept for that Purpofe, by the faid Clerk or Clerks, Treafurer or Treafurers; which faid Book or Books fhall and may be feen and perufed, at all feafonable Times, by any Perfon or Perfons whomfoever, without Fee or Reward.

Tolls to
be paid
but once
a Day.

Provided always, and it is hereby declared and enacted by the Authority aforefaid, That no Perfon or Perfons, having Occafion to pafs through any Turnpike or Turnpikes where the Tolls are, or fhall be taken, and who fhall return the fame Day through the fame Turnpike or Turnpikes, before
Twelve

Twelve of the Clock in the Night of that Day, with the same Coach, Berlin, Chariot, Landau, Caravan, Calash, Chaise, Chair, Hearse, Litter, Waggon, Wain, Cart, or other Carriage, Horse, Gelding, Mare, Mule, Ass, or any sort of Cattle, for which such Tolls have been paid, shall be liable or compelled the same Day to pay the said Tolls more than once.

And be it further enacted by the Authority aforesaid, That in case the said Trustees appointed, or to be appointed, to put this Act into Execution, or any Nine or more of them, shall, from time to time, think proper to turn or alter the Way or Path, or any Part of the said Road hereby directed to be repaired, for the better Accommodation of Coaches, Carriages, and Passengers; that then it shall and may be lawful to and for the said Trustees, or any Nine or more of them, and they are hereby authorized and impowered, from time

Trustees may contract for the Purchase of Lands to turn the Roads;

to time, to purchase or agree for any Lands or Grounds lying contiguous to the said Road, of the Owners or Proprietors thereof (if such Owners or Proprietors shall be willing to sell and dispose of the same) and to pay for the same out of the Tolls by this Act granted, or out of the Money by them to be borrowed on the Credit thereof, such Sum or Sums of Money as shall be agreed upon between such Owners or Proprietors, and the said Trustees, or any Nine or more of them, to be paid for the Purchase of such Lands and Grounds, with the Costs and Charges attending such Purchase or Purchases; and such Lands and Grounds, when purchased as aforesaid, shall, by Order and Direction of the said Trustees, or any Nine or more of them, be laid into, and made Part of, the said Road directed to be amended by this Act, in such Manner as the said Trustees, or any Nine or more of them,

Such
Lands to
be laid
into the
Roads;

them, shall think convenient; and shall by them, or such Person or Persons as they, or any Nine or more of them, shall order and appoint, be sufficiently ditched, or fenced out, for that Purpose: And, after the said Lands and Grounds shall be so ditched, and fenced out, the same shall, not only during the Continuance of this Act, but shall, and after-ward e-
for ever thereafter, to all Intents and Purposes, be esteemed and taken as publick Highways; and shall be amended, and kept in Repair by such Ways, and in such Manner, as other Ways are amended and kept in Repair by the Laws in being.

And whereas it may happen, that some Persons, or Bodies Politick, Corporate, or Collegiate, Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees, are seised or possessed of some Lands, Grounds, Tenements, or Hereditaments, which, according to the Powers given by this present

Bodies
Politick
or Corpo-
rate, &c.
may con-
tract for
the Sale of
Lands.

present Act, may, by the said Trustees, be thought necessary or proper to be taken in, and added to, the said Road, either for extending, widening, enlarging, turning, altering, or amending the same, as aforesaid; and they may be willing to treat and agree to sell such Lands, Grounds, Tenements, and Hereditaments, for the Purposes aforesaid, but are incapable of granting, selling, or conveying the same, by reason of Infancy, or other Disability; **be it therefore enacted** by the Authority aforesaid, That it shall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees whatsoever, for and on behalf of any Infants, Femes Covert, or Cestuique Trusts, and for all and every Person and Persons whatsoever, who are or shall be seised, possessed of, or interested in,

in, any such Lands, Grounds, Tenements, or Hereditaments, to treat, contract, and agree, with the said Trustees, or any Nine or more of them, for Satisfaction to be made them respectively for such their Lands, Grounds, Tenements, and Hereditaments, or any Part thereof, or their Interest therein, for the Purpose aforesaid; and to sell and convey the same, as Occasion shall be or require: And that all Contracts, Agreements, Sales, and Conveyances, which shall be made, shall be valid, to all Intents and Purposes; any Statute, Usage, or any other Matter or Thing whatsoever, to the contrary thereof, in any wise notwithstanding: And that all Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, Corporations Corporate or Collegiate, Aggregate or Sole, and all other Persons, are and shall be hereby indemnified for what

Persons
neglect-
ing to
treat for
Sale of
such
Lands;

what they shall do by virtue, or in pursuance, of this Act.

And it is hereby further enacted,
That if any such Owner, Proprietor, Occupier, Body Politick, Corporate, or Collegiate, or other Person or Persons, interested in such Lands, Grounds, Tenements, or Hereditaments, upon convenient Notice to be given, or left, in Writing, at the Dwelling-house or Place of Abode of such Person or Persons, or of the Head Officer or Officers of such Bodies Politick, Corporate, or Collegiate, or at the House of the Tenant in Possession of the Lands, Grounds, Tenements, and Hereditaments, so to be taken into, and added to the said Road, as aforesaid, or into which such Way, Path, or Road, shall be turned or altered as aforesaid, in case the Dwelling-house or Place of Abode of such Person or Persons cannot be found, shall, by the Space of Forty Days after such Notice given, or left, as aforesaid, neglect or refuse
to

to treat, or shall not agree in the Premises, or, by reason of Absence, shall be prevented from treating; then, and in every or any such Case, it shall and may be lawful for the said Trustees at some public Meeting, to be held for that Purpose, (whereof Notice in Writing under the Hand of the Clerk of the said Trustees, by Order of the said Trustees, or any Seven or more of them, shall be fixed upon the Turnpike-gates intended to be erected by this Act, at least Forty Days before such Meeting, under their Hands and Seals, or under the Hands and Seals of any Nine or more of them, being the Majority of the said Trustees at such Meeting) to order so much and such Part of such Lands or Grounds (not exceeding Twenty Yards in Breadth, and not being the Ground where any Houses stand, or a Garden, Orchard, Yard, Park or Pad-dock enclosed for keeping Deer, or planted Walk or Walks, or Avenue to any House) to be taken into and added

Trustees
to order
what Part
of such
Lands
shall be
taken into
the Road;

and may
summon a
Jury to
assess the
Recom-
pence.

added to the said Road; and from and after such Order made, the said Trustees, or any Nine or more of them, shall cause it to be enquired into and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of One, some, or all of the Parishes in which the said Road lies (which Oath the said Trustees, or any Three or more of them, are hereby impowered to administer) what Damages such Owners, Occupiers, or Proprietors, or other Person or Persons interested or concerned therein, shall or may suffer or sustain for or by reason of the taking of any such Land, Ground, Tenements, or Hereditaments, into the said Road; and what Recompence or Satisfaction such Owners, Occupiers, Proprietors, or other Person or Persons, suffering thereby, shall respectively have by reason or on account thereof: And, for that Purpose, and in order thereto, the said

said Trustees, or any Five or more of them, are hereby impowered and required from time to time, as Occasion shall be or require, to summon and call before them all and every Person and Persons whatsoever who shall be thought necessary or proper to be examined as Witness or Witnesses touching or concerning the Premisses; and shall examine all such Witnesses before the said Jury, upon Oath (which Oath the said Trustees, or any Three or more of them, are hereby impowered and required to administer) and they shall also order and cause the said Jury to view the said Places in question, and to use all other lawful Ways and Means as well for their own as the said Jury's Information in the Premisses, as they the said Trustees, or any Five or more of them, shall think fit: And, after the said Jury shall have so inquired of, ascertained, and settled, such

such Damages and Recompence, they the said Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine, the Sum or Sums of Money so assessed by the said Jury to be paid to the said Owners, Occupiers, or Proprietors, of the said Land, Ground, Tenements, and Hereditaments, or other Persons interested therein, according to such the Verdict or Inquisition of the said Jury: Which said Verdict or Inquisition, Order, and Judgment, or Determination, so had and made, shall be final, and binding and conclusive to all Intents and Purposes, against all Parties or Persons whatsoever claiming in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Females Covert, and Persons under any other Disabilities whatsoever, Bodies Politick, Corporate, and Collegiate, as well as
all

Their
Verdict
to be con-
clusive to
all Parties.

all other Persons whomsoever: And all and every such Owners, Occupiers, and Proprietors, and all and every Person and Persons any way interested in such Lands, Grounds, Tenements, and Hereditaments, shall thereby be from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, or Property, of, in, to, or out of, the same: And, for the summoning and returning such Jury or Juries, the said Trustees, or any Five or more of them, are hereby impowered to issue out their Warrant or Warrants to the Sheriff of the said County of *Wilts*, thereby commanding or requiring him to impanel, summon, and return, an indifferent Jury of Twenty four Persons to appear before the said Trustees, or any Five or more of them, at such Time and Place as in such Warrant shall be appointed; who is hereby required thereupon to impanel, summon, and return,

D. such

Trustees
may issue
their
Warrant
to the
Sheriff to
return a
Jury.

such Twenty four Persons accordingly; and, out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear according to, or upon such Summons, the said Trustees, or any Three or more of them, shall swear, or cause to be sworn, Twelve; who shall be the Jury for the Purposes aforesaid: And, in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service, to the Number of Twelve.

Notice
to be given
to the
Persons
interested,
of the
Meeting
of the
Jury.

Provided always, and be it further enacted by the Authority aforesaid, That Ten Days Notice, at the least, shall be given of the Time and Place appointed for the Meeting of such Jury, in Writing, to the Person or Persons interested in such Lands or Grounds, or left at the Dwelling-house or Places of Abode of such Person or Persons,
or

or at the House of the Tenant in Possession of the Lands or Grounds intended to be added to or laid into such Road; and that all such Persons shall, from time to time, have their lawful Challenges against any of the said Jurymen when they come to be sworn: And that the said Trustees, or any Five or more of them, acting in the Premises, shall have Power, from time to time, to impose any reasonable Fine or Fines on such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premises; or any of the Persons that shall be summoned and returned on such Jury not appearing, or refusing to be sworn on the said Jury, and being so sworn, and refusing and not giving their Verdict concerning the same, or in any other Manner wilfully neglecting their Duties therein, contrary to the true Intent and Meaning of this Act; and on any Person or Persons, who, being required to

Juries
may be
chal-
lenged.

Trustees
may levy
Fines on
the Sher-
riff, and
others,
making
Default
in the
Premises

give Evidence before the said Jury touching the Premisses, shall refuse to be examined, or to give Evidence touching the same; and, from time to time, impose such Fine or Fines, in such Manner as any Fine is by this present Act directed to be levied and taken, not exceeding the Sum of Five Pounds upon any One Person; and all such Fines shall be employed for such Uses, and in such Manner, as the said Tolls or Monies granted by this Act are to be laid out and applied.

Satisfac-
tion for
the Lands
taken into
the Road.
to be
paid out
of the
Tolls, or
Monies
borrow-
ed.

And be it further enacted by the Authority aforesaid, That all and every such Sum and Sums of Money, Consideration, Recompence, or Satisfaction, to be agreed for, ascertained, or assessed, as aforesaid, shall be, and are hereby charged and chargeable upon all Tolls which shall be raised and received upon the said Road; and the Monies, borrowed on the Credit thereof, shall be paid there-
out

out accordingly, to the Persons respectively intituled thereto, or to their respective Agents; and that, upon Payment or Tender thereof to the said Persons so respectively intituled thereto, and in case of Refusal to accept the same, then upon leaving the same in the Hands of the Clerk, for the time being, to the Trustees, for the Use of such Person or Persons as the said Trustees, or any Five or more of them, shall appoint the same to be paid unto: And, after Three Months Notice thereof given to such Person or Persons, it shall and may be lawful for the said Trustees, or any Five or more of them, their Surveyors, Workmen, and Agents, to take into, and add to, the said Road, such Grounds, Lands, or Tenements; and to do all and every such Act, Matter, and Thing, with relation to the said Ground, Land, Tenements, and Hereditaments, so taken into, and added, or to be taken into, and added to, the said

Upon
Payment
or Ten-
der, Tru-
stees may
lay into
the Road
the Land
pur-
chased;

and ditch,
and fence
the same,

Road, and to ditch and fence out the same, as the said Trustees, or any Five or more of them, shall think fit: And the said Ground or Grounds, Lands, or Tenements, so taken, or to be taken in, when the same shall be so ditched and fenced, as aforesaid, shall, to all Intents and Purposes, from thenceforth, become and be, and shall be deemed and taken to be, a publick and common Highway, and be, from thenceforth, Part of the said Road, not only during the Continuance of this present Act, but for ever after; and shall be repaired, and kept in Repair, by such Ways and Methods, and in all respects in such Manner, as other Highways are by Law to be repaired, and kept in Repair; and that the same Lands and Grounds shall be for ever deemed, used, and applied, as and for Part of such Highways or Roads, accordingly.

and make
a com-
mon
Highway
thereof,
and keep
the same
in repair
as such.

And, for preventing Frauds and Abuses in the said Tolls hereby granted, **be it further enacted** by the

the Authority aforesaid, That if any Person or Persons, having paid the Toll by this Act laid, and having a Note or Ticket, Notes or Tickets, signifying the Payment thereof, shall give or dispose of the same Note or Notes, Ticket or Tickets, to any other Person or Persons, in order to avoid Payment of the said Tolls, or any Part thereof, every such Person giving or disposing of such Note or Ticket, Notes or Tickets, and the Person receiving the same, being thereof convicted upon Oath, or Confession of the Party, before the said Trustees, or any Five or more of them, or before One or more Justice or Justices of the Peace for the said County of *Wilts* (which Oath the said Trustees, or any Three or more of them, or the said Justice or Justices, is and are hereby impowered and required to administer) shall respectively forfeit and pay the Sum of Twenty Shillings; to be levied, recovered, and dis-

Penalty
on Per-
sons dis-
posing of,
or receiv-
ing Tick-
ets, to a-
void Pay-
ment of
the Toll.

posed of, as any other Penalty or Forfeiture is hereby directed to be levied, recovered, and disposed of.

Persons
and
Things
exempted
from the
Toll.

Provided always, and it is hereby declared, That no Person or Persons shall be chargeable with any of the Tolls aforesaid, for passing through any of the Turnpikes to be erected by this Act, and carrying any Quantities of Stones, Brick, Lime, Timber, Wood, Gravel, or other Materials, for repairing the said Road, or for carrying through any of the said Turnpikes any Dung, Mould, or Compost of any Nature or Kind whatsoever, for manuring of Lands or Gardens; nor shall any Toll be demanded or taken, by virtue of this Act, for any Carts, Wains, Waggon, or other Carriages, carrying any Hay, or Corn in the Straw, to be laid up in the Houses, Out-houses, Barns, or Yards, of or belonging to the respective Inhabitants of the several Parishes, Townships, or Places, in which the said Road, hereby

hereby intended to be repaired, doth lie; nor for any Ploughs, Harrows, or any other Implements of Husbandry, or any other Thing whatsoever belonging to, or employed by such Inhabitants respectively in Husbandry, Manuring or Stocking of Lands lying near the said Road; nor shall any of the Tolls hereby laid be demanded or taken from any Person or Persons residing in the said Parishes, in which the said Road hereby directed to be repaired doth lie, who shall pass through the said Turnpikes to and from Church, Chapel, or other Places of Religious Worship, on *Sundays*; or who shall attend the Funeral of any Person or Persons who shall die, or be buried, in any of the Parishes in which the said Road hereby directed to be repaired doth lie; or for any Horses, Mares, Geldings, or Cattle, going to, or returning from, Pasture or Watering-places belonging to such Parishes, Townships,
or

or Places, or any of the neighbouring Inhabitants near the said Road; or for any Post-horses carrying the Mail or Packet; nor shall any Toll be demanded or taken for the Horses of Soldiers passing, who are upon their March, or for Carts, Carriages, or Waggon, attending them, or laden with their Arms or Baggage; or for Horses, Carts, or Waggon, travelling with Vagrants sent by legal Passes.

Turn-
pikes and
Toll-
houses
vested in
Trustees.

And be it further enacted by the Authority aforesaid, That the Right and Property of all and every the Turnpikes and Toll-houses which shall be erected and built by virtue of this Act, shall be vested in the said Trustees appointed, or to be appointed, to put the same in Execution; and that they, or any Five or more of them, are hereby authorized and impowered to dispose thereof, as they shall think proper; or to bring Actions in their Names, or in the Name or Names of their Clerk or Clerks,

Clerks, Treasurer or Treasurers, or any One or more of them, or prefer Bills of Indictment against any Person or Persons who shall steal, take away, break down, or spoil, such Turnpikes or Toll-houses, or any or either of them, so directed to be built, as aforesaid.

Provided always and be it ^{Persons chargeable to the Highways, to continue so.} further enacted by the Authority aforesaid, That all and every Person and Persons, who by Law is and are chargeable towards the repairing and amending the said Road, hereby intended to be repaired, shall still remain chargeable, and do their respective Days Works in the said Parishes, Townships, or Places, in which the said Road doth lie, in such Manner as he, she, or they ought to have done before the passing of this Act.

And, for preventing Differences which may arise between the said Trustees and the Surveyors of the Highways for the time being, for the

the several Parishes and Places through which the Road aforesaid doth lead, touching what Part of the Statute Work in any Parish, Place, or Division, ought to be done on the Road by this Act di-

Power of
Justices to
direct the
Propor-
tions of
Statute-
work, on
Applica-
tion.

rected to be repaired; **be it fur-**
ther enacted by the Authority afore-
said, That it shall and may be
lawful for the Justices of the Peace,
at any of their General or Petty
Sessions, to be held for any of the
Divisions in which the said Road
doth lie, upon Application made
to them by the said Trustees, or
any Five or more of them, to ad-
judge and determine what Part or
Proportion of the Statute-work
shall be done in the Road afore-
said, by the Inhabitants of each or
any of the Parishes or Tythings
in which the said Road hereby di-
rected to be amended doth lie.

Trustees
may com-
pound for
Statute-
work.

Provided also, and be it fur-
ther enacted by the Authority afore-
said, That it shall and may be law-
ful to and for the said Trustees, or
any

any Five or more of them, from time to time, during the Continuance of this Act, to compound and agree with any of the Parishes, Tythings, or Townships, to which the said Road doth belong, or with any of the Owners, Possessors, or Occupiers, of such Lands, Tenements, or Hereditaments, as are or shall be liable or chargeable to the Repair of any Part of the said Road, for a certain Sum of Money, or Land or Ground adjoining to the said Road, to be laid into the same, or otherwise, by the Year, as the said Trustees, or any Five or more of them, shall think reasonable, in lieu of the Statute or other Work, or Repairs, to be done by such Parish or Parishes, Township or Townships, Tything or Tythings, or by such Owner or Owners, Possessor or Possessors, Occupier or Occupiers, of such Lands, Tenements, and Hereditaments, chargeable as aforesaid; Copies of all which Compositions or Agreements, so to be

Compositions to be entered in a Book.

be made by the said Trustees, as
aforesaid, shall be entered at Length
in a Book or Books to be kept for
that Purpose by the said Clerk or
Clerks, Treasurer or Treasurers;
which said Book or Books shall and
may, at all seasonable Times, be
seen and perused by any Person or
Persons whomsoever, without Fee
or Reward.

Parish
Surveyors
may give
publick
Notice
yearly to
Turn-
pike Sur-
veyors of
Persons
liable to
do Sta-
tute-
work.

And be it further enacted by
the Authority aforesaid, That the
respective Surveyor or Surveyors
of the Highway for the time
being, of all and every the Parish
and Parishes, in which the said
Road, intended to be repaired by
this present Act doth lie, shall
yearly and every Year, during the
Continuance of this Act, within
Ten Days after Demand made to
him or them, in Writing, by the
Turnpike Surveyor or Surveyors
appointed or to be appointed by
the said Trustees, or any Five or
more of them, give and deliver to
the said Turnpike Surveyor or Sur-
veyors

veyors an exact List or Account in Writing, under his or their Hand or Hands, of the Christian and Surnames of all and every Person and Persons in the said respective Parishes and Places, who are by Law chargeable towards repairing the Road in any of the said Parishes, and shall set forth and specify in such List what each Person is respectively chargeable with, for and towards the same; and the said Parish Surveyor or Surveyors for the time being respectively, within Ten Days after Notice shall be given them, or either of them, by the said Turnpike Surveyor or Surveyors, of the Time when, and how many of the Persons, so chargeable as aforesaid, he or they would have to do such their respective Statute or Days Work, so adjudged or appointed as aforesaid, in and upon any Part or Parts of the said Road, shall summon or give publick Notice thereof to the said Person or Persons, so chargeable as aforesaid: Penalty on Parish Surveyors
And if any Parish Surveyor or Surveyors Neglect.

Penalty
on Per-
sons not
doing
their Sta-
tute-
work.

veyors aforesaid shall neglect or refuse to do as they are hereby required and directed to do, he or they, for every such Neglect or Refusal, shall forfeit and pay the Sum of Five Pounds: And if any Person or Persons keeping a Team or Teams, Draught or Draughts, Cart or Carts, and chargeable towards repairing the said Road, shall, after such Summons, or publick Notice, neglect or refuse to send their respective Teams, Draughts, or Carts, to do and perform such their respective Days Work on the said Road, he, she, or they, so neglecting or refusing, shall respectively forfeit and pay the Sum of Ten Shillings for every Team, Draught, or Cart, making Default each of the said respective Days: And if any Labourer, or other Person or Persons so chargeable towards repairing the said Road, shall at any Time neglect or refuse (after such Summons, or publick Notice) to do and perform the said appointed Days Work on the said Road, he, she,

she, or they, shall respectively forfeit and pay the Sum of One Shilling and Six Pence for each of the Days such Labourer, or other Person or Persons, shall make Default : And if any Person or Persons, who shall (according to such Summons, or publick Notice, as aforesaid) come to work as Labourers, or be sent with any Team, Draught, or Cart, to work on the said Road, are found idle or negligent, by the said Turnpike Surveyor or Surveyors respectively, where the Work is to be done ; in such Case, the said Turnpike Surveyor or Surveyors may, and is and are hereby empowered and required to remove and turn him or them off, who shall be found negligent or idle, as aforesaid ; and it shall be esteemed as if such Person or Persons had not come, or sent any Team, Draught, or Cart, to work on the said Road ; and he, she, or they, shall be subject and liable to the respective Forfeitures and Penalties afore-mentioned, as if he, she, or they, had

E neglected

neglected or refused to do or perform the said respective Days Work, so ordered and appointed, as aforesaid.

Parish
Surveyors
how to be
reimburs-
ed the
Composi-
tion-mo-
ney.

Provided always, and be it further enacted by the Authority aforesaid, That if any of the Surveyors of the Highways of and for such Parish, Township, or Hamlet, for which any such Composition shall be made for any Statute or Days Work, as aforesaid, shall pay the Composition-money, or in case such Composition-money shall be levied on him, in the Manner herein before provided, all and every such Surveyor and Surveyors shall and may be reimbursed the Composition-money he shall so pay, or which shall be so levied on him, together with the Charges of the same, in such Manner as, by the Laws now in being, Surveyors of the Highways of this Kingdom are to be reimbursed the Monies by them expended in buying Materials for amending the said Highways.

Provided

Provided always, and it is hereby enacted and declared, That if it shall appear to the said Trustees, or any Five or more of them, that any Lands, Tenements, Hereditaments, or any Rents and Profits issuing out of any Lands, Tenements, or Hereditaments, now are, or hereafter shall be liable and chargeable towards the amending any Part of the Road by this Act directed to be repaired, such Lands, Tenements, and Hereditaments shall still remain liable and chargeable; and the Possessors and Occupiers of such Lands, Tenements, and Hereditaments, are hereby required and directed to pay such Rents and Profits to such Person and Persons as the said Trustees, or any Five or more of them, shall appoint to receive the Tolls granted by this Act; and, upon Default of Payment thereof, it shall and may be lawful to and for the said Trustees, or any Five or more of them, by Warrant under their Hands and Seals, to

Lands
charge-
able to
the High-
ways, to
continue
so.

levy the same by Distress and Sale of the Goods of such Person or Persons as shall neglect or refuse to make such Payment as aforesaid; and such Rents and Profits, when recovered and received, shall be applied, from time to time, for and towards amending the said Road, and to no other Use or Purpose whatsoever.

Trustees
may farm
the Tolls,

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, appointed or to be appointed to put this Act into Execution, or any Nine or more of them, from time to time, by Writing under their Hands and Seals (without any Stamp thereon) to assign, lease, demise, lett, farm, or set out the Tolls by this Act granted, or any Part of such Tolls, to any Person or Persons who shall be willing to take or farm the same from Year to Year, or for any Part of the said Term hereby granted, not exceeding Seven Years, upon
Twenty

Twenty one Days Notice in Writing to be affixed on all the Turn-^{upon}pike-gates, to be erected by this ^{publick} Notice, Act, and upon publick Bidding, to the highest Bidder, and for the best ^{to the} Price such Trustees can get for ^{highest} Bidder. such Tolls, or any Part thereof; payable at such Times, and under such Covenants, as they the said Trustees, or any Nine or more of them, shall think fit; and to be paid to the said Trustees, or any Nine or more of them, or to such Person or Persons as they, or any Nine or more of them, shall appoint to receive the same; which Money so to be paid shall be applied and disposed of for repairing the said Road, and the other Purposes herein mentioned, and to no other Use or Purpose whatsoever.

And be it further enacted by ^{Penalties} the Authority aforesaid, That all ^{and For-} Penalties and Forfeitures by this ^{how to} Act incurred (touching which ^{be reco-} other Provision is herein made) shall be recovered and levied by

Distress and Sale of the Offender's Goods and Chattles, by Warrant or Warrants under the Hand and Seal of One or more of His Majesty's Justices of the Peace for the said County of *Wilts*; which Warrant or Warrants the said Justice or Justices are hereby impowered and required to issue, upon Information of One or more credible Witness or Witnesses upon Oath (which Oath the said Justice or Justices is and are hereby impowered and required to administer without Fee or Reward) and the Penalties and Forfeitures, when recovered, after rendering the Overplus (if any be) to the Party or Parties whose Goods and Chattles shall be so distrained and sold (the Charges of the said Distress and Sale being first deducted) shall go, and be applied, and laid out (if not otherwise applied and disposed of by this Act) for and towards amending the said Road.

Provided

Provided always, and it is hereby further enacted by the Authority aforesaid, That all Orders and Proceedings of the Trustees shall be entered into a Book or Books to be kept for that Purpose; and such Orders so entered shall be signed by the Clerk to the said Trustees, at any Meeting of Five or more of the said Trustees aforesaid assembled, as the Case shall require: And such Orders shall be deemed and taken to be original Orders, as if the same were under the Hands and Seals of Five or more of the Trustees: Which said Book or Books, and also the said Book directed to be kept for registering the said Assignments and Transfers, shall and may be produced and read in Evidence in all Cases of Appeals, Suits, or Actions, touching any thing done in Pursuance and by the Authority of this Act.

Orders
and Pro-
ceedings
to be en-
tered in a
Book.

Provided always, and be it further enacted by the Authority
E 4 aforesaid,

Persons
aggrieved
may ap-
peal to
the Quar-
ter Ses-
sions.

aforesaid, That in case any Collec-
tor or Collectors, Receiver or Re-
ceivers, or other Person or Persons,
shall think him, her, or themselves
aggrieved by any thing done in
pursuance of this Act, it shall and
may be lawful to and for him, her,
or them, within the Space of Six
Months, to appeal to the Justices
of the Peace at their next General
Quarter Sessions of the Peace to be
held for the said County of *Wilts*,
who are hereby authorized and
required to take Cognizance there-
of, and to hear and determine the
Complaint or Complaints of any
Person or Persons so aggrieved;
and if they see Cause, shall and
may, by Order of such Sessions,
mitigate, at their Discretion, all or
any the Penalties had or incurred
by the Party or Parties complain-
ing, or vacate or set aside the said
Conviction or Convictions, Com-
mitment or Commitments, and set
the Parties at Liberty; or other-
wise may ratify and confirm such
Conviction

Conviction or Convictions as shall be made; but the Person or Persons so appealing, as aforesaid, shall, ^{Notice of Appeal to be given;} and they are hereby directed to give Notice in Writing to the Treasurer or Treasurers for the time being of the Tolls granted by this Act, of such their Intention of bringing or prosecuting any Appeal, as aforesaid, and shall within Three Days after such Notice given, enter into a Recogni- ^{and Recognizance to be entered into.} zance before some Justice of the Peace for the said County of *Wilts*, with Two sufficient Sureties, to try such Appeal at the General Quarter Sessions of the Peace which shall be held in and for the said County of *Wilts* next and immediately after bringing such Appeal: And every such Appeal and Appeals shall at the then next General Quarter Sessions be there heard and finally determined.

Provided always, and be it further enacted by the Authority aforesaid, That no Order made touching

Proceed
ings not to
be quashed
for want
of Form
only.

ing or concerning any of the Mat-
ters afore said, or any other Pro-
ceedings to be had touching the
Conviction or Convictions of any
Offender or Offenders against this
present Act, shall be quashed or va-
cated for want of Form only; or be
removed or removeable by *Certio-
rari*, or any other Writ or Process
whatsoever, into any of His Ma-
jesty's Courts of Record at *West-
minster*; any thing herein contain-
ed to the contrary notwithstanding.

Com-
mence-
ment and
Continu-
ance of
this Act.

And be it further enacted by the
Authority afore said, That the Tolls
and Powers hereby granted shall
take place from and alter the First
Day of *May*, One thousand seven
hundred and fifty three, and shall
continue, and be paid, and be in
Force, from thenceforth, for and
during the Term of Twenty one
Years; and from thence to the
End of the then next Session of Par-
liament: But if, at any Time before
the Expiration of the said Term,
all the said Road shall be sufficient-
ly

ly amended and repaired, and so adjudged by the Justices of the Peace for the said County of *Wilts*, at their General Quarterly Sessions to be held next after *Easter*; that then, and from and after such Adjudication made, and Repayment of all such Money as shall have been borrowed and due on the Credit of the said Tolls hereby granted, with the Interest for the same, and the Costs and Charges thereof, and of obtaining this Act of Parliament, the aforesaid Tolls shall cease and determine; any thing herein contained to the contrary notwithstanding.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for any of the Trustees appointed, or to be appointed, to put this Act in Execution, who is, are, or shall be, in the Commission of the Peace for the said County of *Wilts*, to act as a Justice or Justices of the Peace in all Cases, Matters, and Things, as may be necessary for the

Trustees
in the
Commission of the
Peace
may act as
Justices.

the more speedy and effectual putting in Execution the several Authorities and Powers in and by this Act mentioned, granted, and contained.

On the
Death or
Removal
of Trustees,
or
other to be
chosen.

And, for continuing a sufficient Number of Trustees to put this Act in Execution, **be it further enacted** by the Authority aforesaid, That when, and as often as any Trustee or Trustees shall die, remove, or refuse to act, it shall and may be lawful for such of the said Trustees as shall survive and remain, or any Five or more of them, by any Writing or Writings, under their Hands and Seals, from time to time, during the Continuance of the Term hereby granted, to elect, nominate, and appoint, One or more fit Person or Persons, living in the said County of *Wilts*, in the Room and Place of such Trustee or Trustees so dying, removed, or refusing to act; and such Person or Persons so elected, nominated, and appointed, shall be joined with such surviving

or

or remaining Trustees in Execution of all and every the Powers in them reposed by virtue of this Act; and Notice of the Time and Place of Meeting for the Election of such new Trustee or Trustees, shall be given by the Clerk or Clerks to the said Trustees for the time being, who is hereby required to fix, or cause to be fixed, such Notice in Writing, at or on all the Turnpike-gates which shall be erected by virtue of this Act, at least Ten Days before the Meeting for such Election; and all and every such Person or Persons, as shall be chosen and appointed to be joined with such surviving or remaining Trustees, shall and may, and they are hereby authorized and impowered to act, to all Intents and Purposes, in as full, large, and ample Manner, as the said Trustees nominated in and by this present Act are hereby authorized and impowered to act, and to do.

10 Days
Notice to
be given
of the E-
lection of
new Tru-
stees.

And

First
Meeting
of the
Trustees.

Clerk to
be then
chosen.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall meet at the House of *John Gibbs*, at the Sign of the *King's Arms* in *Melksham*, on the Twentieth Day of *April*, One thousand seven hundred and fifty three, and then choose a Clerk or Clerks to write their Orders, and take Minutes, and make Entries of their Proceedings, and for other Purposes; and shall then adjourn themselves, and shall afterwards meet at the Place aforesaid, or at any other Place or Places in or near the said Road so to be repaired, as the said Trustees, or any Five or more of them, shall think proper and convenient, as often as it shall be necessary for putting this Act in Execution: And if it shall happen that there shall not appear at any Meeting, which shall be appointed to be held by the said Trustees, a sufficient Number of Trustees to act at such Meeting, and to adjourn

journe to any other Day, then, and
 in such Case, the Clerk to the said
 Trustees, by Notice in Writing,
 under his Hand, to be fixed on all
 the said Turnpike-gates erected or
 to be erected by virtue of this Act,
 at least Ten Days before the Meet-
 ing, shall appoint the said Trustees
 to meet at the House where the
 Meeting of the said Trustees was
 appointed to be held, on that Day
 Three Weeks on which such last
 Meeting of the Trustees was ap-
 pointed to be held: And that the ^{Trustees}
 said Trustees, at the First and all ^{to defray}
 their subsequent Meetings, shall ^{their own}
 defray their own Charges and Ex-
 pences.

Provided always, and be it ^{No Tru-}
 further declared and enacted, That ^{stee to ac-}
 no Person or Persons appointed, ^{cept of}
 or to be appointed, by this Act, a ^{any Place}
 Trustee or Trustees for putting this ^{of Profit}
 Act in Execution, shall have or ^{arising}
 accept of any Place of Profit arising ^{from the}
 out of it, or by reason of the Tolls ^{Tolls.}
 by this Act laid or granted; but
 such

such Person or Persons shall be incapable of acting as a Trustee or Trustees, from the Time of accepting, and during the Enjoyment of such Place of Profit, as aforesaid.

And be it further enacted by the Authority aforesaid, That no Person or Persons keeping any Inn, Alehouse, or other House of Publick Entertainment; or who shall sell Ale, Wine, Brandy, or other Spirituous Liquors by Retail, shall be capable of taking, holding, or enjoying any Place or Places of Trust or Profit under this Act; or of farming the Tolls hereby granted and made payable, during such Time as he or they shall keep such Inn, Alehouse, or other House of Publick Entertainment; or shall sell Ale, Wine, Brandy, or other Spirituous Liquors by Retail.

No Persons keeping Inns, or other Houses of Publick Entertainment, &c. shall hold any Place of Profit under, or farm the Tolls, &c.

Road to be measured, and Milestones erected.

Provided also, and it is hereby further enacted, That the said Trustees, or any Five or more of them, shall and may, and they are hereby

hereby required to cause the said Road to be measured, and Stones or Posts to be erected or set up thereon, and in or near the Sides of the said Road, erected; each Stone or Post at the Distance of One Mile from another, and denoting the Distances of every such Stone or Post from any other Place, as to the said Trustees shall seem meet: And if any Person or Persons shall voluntarily and maliciously break any of the Stones or Posts, or any Part thereof, which shall be so erected and set up, or shall obliterate or deface any of the Words, Letters, Figures, or Marks, which shall be engraved or inscribed thereon, and shall be convicted thereof by the Confession of the Party, or by the Oath of One or more credible Witness or Witnesses, before One or more Justice or Justices of the Peace for the said County of *Wilts*, every such Person or Persons so offending shall forfeit and pay the Sum of Forty

Penalty
of 40s.
on Per-
sons
breaking
or de-
facing
Mile-
stones,
&c.

F Shillings,

Applica-
tion of
the For-
feiture.

For want
of Dis-
tress, Of-
fender
to be
commit-
ted.

Shillings, to be levied by Distress and Sale of the Goods and Chattles of every such Offender, by Warrant under the Hand and Seal, or Hands and Seals of the Justice or Justices before whom such Conviction shall be made ; such Forfeiture to be applied in repairing the Stones and Posts so broken and defaced, or in supplying new ones in their stead ; and if there shall be any Overplus of such Forfeitures, the same shall be laid out in the Repair of the said Road ; and in case the Person or Persons so offending, and convicted, shall not have sufficient Goods and Chattles, then it shall and may be lawful to and for any One or more of such Justice or Justices, by Warrant under his Hand and Seal, or their Hands and Seals, to commit such Person or Persons to the Common Gaol of the said County of *Wilts* for the Space of One Month, and the Person or Persons so offending, and convicted, shall not be discharged, until he, she, or they,

they, shall have paid the said Sum of Forty Shillings, or until the Expiration of the said One Month.

Provided also, and be it further enacted by the Authority aforesaid, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals of, or only signed by, any Trustee or Trustees for putting this Act in Execution, or any Justice or Justices of the Peace, or exhibited before them, or any of them, touching or concerning, or in Execution of, any Power or Authority hereby vested in such Trustees, or Justices of the Peace, or any of them, shall be charged or chargeable with any Stamp Duties whatsoever.

Writings
to be
without
Stamps.

And it is hereby further enacted by the Authority aforesaid, That all and every Person or Persons to whom any Assignment or Assignments shall be made by the said

Assign-
ments
may be
transfer-
red;

Trustees, or any Five or more of them, as a Security for any Sum or Sums of Money, by any Person or Persons lent and advanced on the Credit, and for the Purposes mentioned in this Act, or who shall be intitled to the Money thereby secured, shall and may, from time to time, by proper Words of Assignment to be indorsed on the Back of his, her, or their Security, or by any other Writing or Writings, under his, her, or their Hands and Seals, to be duly executed in the Presence of Two or more credible Witnesses, assign or transfer his, her, or their Right, Title, Interest, or Benefit, to the Principal and Interest-money thereby secured, or any Part thereof, to any Person or Persons whomsoever ; which said Transfer or Assignment shall be produced and notified to the said Clerk or Clerks, Treasurer or Treasurers, appointed or to be appointed by the said Trustees,

the same
to be no-
tified
within
Three
Months
after
Date,

tees, or any Five or more of them, within Three Months after the Date thereof; who shall cause an Entry or Memorial to be made of such Assignment or Transfer, containing the Date, Parties, and Sum of Money therein mentioned to be transferred, in the said Book, to be kept for the entering the said original Assignments; for which the said Clerk or Clerks, Treasurer or Treasurers, shall be paid the Sum of Two Shillings and no more: And after such Entry made, such Assignment shall intitle such Assignee, his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignee may in like manner assign again, and so *toties quoties*; and it shall not be in the Power of such Person or Persons, who shall have made such Assignment, to make void, release, or discharge, the same, or any Monies thereby due, or any Part thereof.

Provided

Limita-
tion of
Actions.

General
Issue.

Provided always, and be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Persons for any thing to be done in pursuance of this Act, every such Action or Suit shall be brought within Six Months next after the Fact committed, and not afterwards; and shall be laid in the said County of *Wilts*, and not elsewhere; and the Defendant or Defendants, in such Action or Suit, shall and may plead the General Issue, Not Guilty, and give this Act, and the Special Matter in Evidence, at any Trial to be had thereupon; and that the same was done in Pursuance, and by the Authority, of this Act: And if it shall appear so to be done, or that such Action or Suit shall be brought in any other County, Place, or Places, that then the Jury shall find for the Defendant or Defendants: And upon such Verdict, or if the Plain-
tiff

tiff or Plaintiffs shall become Non-suited, or discontinue his or their Action or Actions, after the Defendant or Defendants shall have appeared, or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall ^{Treble Costs.} and may recover Treble Costs, and have such Remedy for the same, as any Defendant or Defendants hath or have in any Case by the Law.

And be it further enacted by ^{Publick Act.} the Authority aforesaid, That this Act shall be deemed, adjudged, and taken to be a Publick Act, and be judicially taken Notice of as such by all Judges, Justices, and other Persons whatsoever, without specially pleading the same.

F I N I S.

